

Remarks

Claims 1-75 are currently pending in the application. Of these, Claims 1-22 were withdrawn from consideration following a restriction requirement made by the Examiner. Therefore, Claims 23-75 are currently under consideration in this application.

Claims 27-28, 36-37, 40-43, 47-53, 56-57, 59-61, 67-68 and 72-75 were objected to because they included abbreviated terms. All of these claims have been modified to include the long-hand version of the terms; these revisions do not constitute substantive amendments to the claims since they simply present the same terms in long-hand form. Therefore, it is requested that this objection be withdrawn.

Claims 32-75 were rejected under 35 USC 112, second paragraph, as being indefinite. Specifically, the Examiner stated that Claims 32, 40, 44, 45, 48, 51, 56, 59, 63 and 67 recite "physical properties woven cotton fabric" (i.e. Kawabata System values), cites Ex parte Slob, 157 USPQ 172 "with regard to an article claimed by defining property values", and states that "it is necessary that the product be described with sufficient particularity that it can be identified so that one can determine what will and will not infringe." From this the Examiner included that all of claims 32-75 "are indefinite for reciting only the desired physical properties of woven cotton fabric, rather than setting forth structural and/or chemical limitations of said fabrics."

Applicants respectfully traverse this rejection. The claim language from the Ex parte Slob case which the Examiner compares to the instant claims is not in fact comparable. The Slob language outlines *only* performance type features, without providing accompanying structure. In contrast, the claims in the instant application, while including some features as to how the product performs, also include significant structural features. In other words, the objection outlined in the Slob case (that the claim purports to cover everything which will perform the desired functions regardless of its composition), does not fit the claims under consideration. Applicants have not merely listed a series of performance characteristics, rather they have outlined a specific product structure (i.e. in Claim 32, a woven, substantially all-cotton fabric having a durable press resin thereon to impart wrinkle-resistant properties) along with a description of other unique characteristics of the fabric (i.e. unique combination of mean bending

stiffness and residual bending curvature.) Furthermore, a specific test for determining each of the claimed characteristics is outlined, such that third parties can clearly and readily determine the metes and bounds of the claims, and whether a product they wish to produce would infringe one or more of those claims. In fact, claims such as these incorporating Kawabata System test measurements are routinely allowed by the Patent Office (see, for example, U.S. Patent No. 6,565,612.) Therefore, it is respectfully requested that this rejection be withdrawn.

Claims 23-24, 26, 29, and 30 were rejected under 35 USC 102(b) as being anticipated by Farias' research report (hereinafter referred to as "Farias"). Claims 32-35, 38-46, 48-51, 53-65, and 67-75 were rejected under 35 USC 102(b) as anticipated by, or in the alternative, under 35 USC 103(a) as obvious over the Farias report. The Examiner acknowledges that Farias fails to disclose the claimed variety of fabric characteristics, such as the Kawabata System measurements and the flat dry appearance rating. However, the Examiner assumes that all of these claimed characteristics are inherent in the teaching of Farias, noting "the use of like materials (i.e. a 100% cotton woven fabric treated with a durable press resin) which would result in the claimed property." Furthermore, the Examiner asserted that "the mentioned properties would obviously have been present once the Farias product is provided."

Applicants respectfully disagree with the Examiner's characterization of the scope of Farias report. As noted in the "Objective" section of the report (p.2), the goal of the experiment was "to determine if a high application level of a silicone type softener will impact crease edge abrasion" and other characteristics of fabrics. The summary of the experiment stated "commercially manufactured men's slacks were treated with two different resin systems. One resin finish represented a conventional system. The other finish system contained a high level of a silicone softener claimed to be a graftable product." (p.2 of Farias.) Other than the single statement on page 17 of the report where the author mentioned the possibility of applying a resin to one side of a fabric and a softener/lubricant(s) to the opposite side, there is nothing in the report relating to treatment of different fabric surfaces with different chemistries.

In contrast, Applicants have developed a method of substantially isolating a softener on one face of a fabric, and a durable-press resin on the second face of the fabric. (see e.g. Claim 23.) There is no disclosure or suggestion in Farias of *isolation* of chemistries on respective fabric

surfaces. This would not necessarily result from application of a resin to one fabric surface and a softener/lubricant(s) to the other fabric surface, which is all that Farias has even mentioned (and though there was no additional discussion regarding how to even do that.) In fact, the instant inventors were only able to achieve this through a significant development effort, which was finally successful in achieving isolation of the chemistries in the claimed manner. Furthermore, the unique combination of fabric characteristics such as the Kawabata System values are not merely inherent in fabrics having softener and resin applied to them, rather, they were achieved through the unique isolation employed by the inventors, which effectively prevented the undesirable migration of the chemistries to the opposite fabric surface from which they were applied. As a result, unique fabrics having a variety of characteristics not previously achievable were obtained. This is supported by the test data outlined in the specification, where conventionally-finished fabrics were compared with those of the instant invention. As illustrated, the fabrics had combinations of characteristics not previously achieved in other resin and softener-treated fabrics. Because Farias fails to disclose or suggest fabrics like those set forth in the present claims, reconsideration and withdrawal of the rejections are respectfully requested.

Claims 25, 27, 28, 36, 37, 47, 52 and 66 were rejected under 35 USC 103(a) as being obvious over the Farias report. Specifically, the Examiner stated that as to Claim 25, Farias "discloses the claimed invention except for that the filling yarns are predominant on the back surface of the woven fabric." However, the Examiner concluded that it "would have been obvious to one having ordinary skill in the art at the time the invention was made to have the back surface with predominant filling yarns since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of design choice"... "to create a visually appealing fabric." Furthermore, the Examiner asserted that the claimed amounts of resin, softener, and fabric weight were all simply "discovering an optimum value of a result effective variable."

As noted above, Farias fails to disclose or suggest the isolation of a durable-press resin on one fabric surface and a softener on the other face. In addition, there is no disclosure or suggestion of the unique combination of fabric characteristics set forth in the claims. In fact, the claimed amounts of the resin and softener are not simply "optimizations" of a known product,

rather they represent ratios that were surprisingly found to achieve superior results in the significantly different process of the instant invention. Therefore, it is respectfully requested that the rejection be withdrawn.

Claims 30-31 were rejected under 35 USC 102(b) as being anticipated by Richardson (US 3,770,489.) Specifically, the Examiner stated that "Richardson teaches a method for rendering cellulose-based fabrics wrinkle resistant by impregnating the fibers with a polymer builder and depositing a film of silicone polymer on the fabric", and that "the film of silicone polymer equates to the isolated durable-press resin present on the Applicant's fabric", and that "softeners can be added... to the impregnation solution."

The Richardson patent describes a method for creaseproofing cellulose-based fabrics by impregnating the fibers of the fabric with a polymer builder, polymerizing the polymer builder in the impregnated fabric while the fibers are in a wet and swollen state, drying the fabric, and then depositing a film of silicone polymer on the fabric." (Abstract) As described in Col, 3, lines 10-13, the polymer builder is considered by Richardson to be his resin, and the resin is impregnated in the entire fabric, rather than isolated on one surface of the fabric in the manner of the instant invention. While stating that he applies a film of silicone polymer on the fabric, there is no disclosure or suggestion of isolating this polymer on a surface of the fabric. In other words, Richardson fails to disclose or suggest a cellulosic-fiber containing fabric having a durable-press resin substantially isolated on only one of said front and back surfaces, and a softener applied to at least the other of the front and back surfaces, as defined in Applicants' claims.

Because all of the claims are in condition for allowance, reconsideration and withdrawal of the pending rejections and objections are respectfully requested. Should the Examiner find that any issues remain outstanding following consideration of this Response, she is invited to telephone the undersigned in the interest of resolving such issues in an expedient manner.

Respectfully requested,

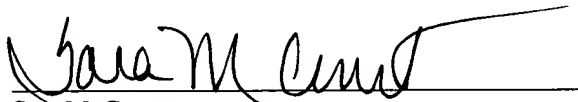
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